

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

IN RE: **Peter Ninete Lizama**  
**Jerrilyn Duenas Lizama**  
Debtor(s)

Case No.  
  
Chapter 13 Proceeding

☐ **AMENDED**    ☐ **MODIFIED**  
**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be Variable Payments, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$209,503.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 58% of each unsecured allowed claim.
- THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.
- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- ☒ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☐ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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*Continuation Sheet # 1*

**II. Pre-Confirmation Disbursements**

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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**III. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

**IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Toyota Motor Credit 2010 Toyota Sequoia	\$43,727.00	\$37,000.00	Pro-Rata	5.25%	\$39,967.92	

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*Continuation Sheet # 2*

*"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on*  
**April 2, 2014** *."*

/s/ Peter Ninete Lizama  
Debtor

/s/ Jerrilyn Duenas Lizama  
Joint Debtor

**V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)**

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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**VI. Specific Treatment for Payment of Allowed Claims**

**1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS**

**A.** Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Nationstar Mortgage LLC 7008 Golden Oak Lane, Killeen, TX 76542		\$244,345.00	\$1,771.80
Sallie Mae		\$9,462.00	\$146.00
Snap-On Credit Tools		\$2,901.00	\$107.00

**B.** Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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*Continuation Sheet # 3*

Chase Manhattan Mortgage

6100 Melanie Dr. Killeen, TX 76542

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**

**A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Davis Law Firm	\$2,900.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$827.31	Along With	

**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Nationstar Mortgage LLC 7008 Golden Oak Lane, Killeen, TX 76542	\$4,543.80	\$4,543.80	Pro-Rata	0%	\$4,543.80	

**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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*Continuation Sheet # 4*

**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

<b>Creditor/Collateral</b>	<b>Estimated Claim</b>	<b>Value of Collateral</b>	<b>Monthly Payment or Method of Disbursement</b>	<b>Interest Rate</b>	<b>Anticipated Total to Pay</b>	<b>Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)</b>
Freedom Road Financial 2011 Storm	\$7,039.00	\$6,800.00	Pro-Rata	5.25%	\$7,603.62	Pay claim amount
Hsbc Kawasaki Kawasaki Jet Ski	\$3,917.00	\$4,000.00	Pro-Rata	5.25%	\$4,231.21	
Toyota Motor Credit 2010 Toyota Tundra	\$43,913.00	\$38,487.50	Pro-Rata	5.25%	\$47,435.40	Pay claim amount
Toyota Motor Credit 2010 Toyota Sequoia	\$43,727.00	\$37,000.00	Pro-Rata	5.25%	\$39,967.92	

**F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).**

*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 58% of their allowed claims.

**Totals:**

Administrative Claims	<u>\$2,900.00</u>
Priority Claims	<u>\$827.31</u>
Arrearage Claims	<u>\$4,543.80</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$91,869.00</u>
Unsecured Claims	<u>\$139,422.20</u>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

**None**

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*Continuation Sheet # 5*

Respectfully submitted this date: **4/2/2014**.

**/s/ Evan Simpson**

Evan Simpson  
3925 A S. Jack Kultgen Fwy.  
Waco, TX 76706  
Phone: (254) 399-9977 / Fax: (254) 399-9909  
(Attorney for Debtor)

**/s/ Peter Ninete Lizama**

Peter Ninete Lizama  
7008 Golden Oak Lane  
Killeen, TX 76542  
(Debtor)

**/s/ Jerrilyn Duenas Lizama**

Jerrilyn Duenas Lizama  
7008 Golden Oak Lane  
Killeen, TX 76542  
(Joint Debtor)

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**EXHIBIT "B" - VARIABLE PLAN PAYMENTS**

**PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)**

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$3,440.00	21	\$3,440.00	41	\$3,547.00
2	\$3,440.00	22	\$3,440.00	42	\$3,547.00
3	\$3,440.00	23	\$3,440.00	43	\$3,547.00
4	\$3,440.00	24	\$3,440.00	44	\$3,547.00
5	\$3,440.00	25	\$3,440.00	45	\$3,547.00
6	\$3,440.00	26	\$3,440.00	46	\$3,547.00
7	\$3,440.00	27	\$3,440.00	47	\$3,547.00
8	\$3,440.00	28	\$3,440.00	48	\$3,547.00
9	\$3,440.00	29	\$3,440.00	49	\$3,547.00
10	\$3,440.00	30	\$3,440.00	50	\$3,547.00
11	\$3,440.00	31	\$3,440.00	51	\$3,547.00
12	\$3,440.00	32	\$3,547.00	52	\$3,547.00
13	\$3,440.00	33	\$3,547.00	53	\$3,547.00
14	\$3,440.00	34	\$3,547.00	54	\$3,547.00
15	\$3,440.00	35	\$3,547.00	55	\$3,547.00
16	\$3,440.00	36	\$3,547.00	56	\$3,547.00
17	\$3,440.00	37	\$3,547.00	57	\$3,547.00
18	\$3,440.00	38	\$3,547.00	58	\$3,547.00
19	\$3,440.00	39	\$3,547.00	59	\$3,547.00
20	\$3,440.00	40	\$3,547.00	60	\$3,547.00

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*Joint Debtor*

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on April 2, 2014, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

**/s/ Evan Simpson**

Evan Simpson  
Bar ID:24060612  
Davis Law Firm  
3925 A S. Jack Kultgen Fwy.  
Waco, TX 76706  
(254) 399-9977

AABS Dental  
360 W. Central Texas Expy  
Harker Heights, TX 76548

Bank Of America  
xxxxxxxxxx9394  
P.O. Box 982236  
El Paso, TX 79998

CBE Group  
xxxxx2070  
PO BOX 2594  
Waterloo, IA 50704

AAFES/MIL STAR/EXCHANGE  
c/o Creditors BK Service  
PO Box 740933  
Dallas, TX 75374

Best Buy  
xxxxxxxxxxxx6400  
PO BOX 30253  
Salt Lake City, UT 84130

Centroplex  
xxxxxxxxxxxx0004  
PO Box 145  
Killeen, TX 76540

Asset Recovery Solution, LLC  
2200 E Devon Ave. Ste 200  
Des Plaines, IL 60018

Capital One, N.a.  
xxxx-xxxx-xxxx-7959  
Capital One Bank (USA) N.A.  
PO Box 30285  
Salt Lake City, UT 84130

Chase Manhattan Mortgage  
xxxxxxxx6047  
Attn: Bankruptcy Dept  
3415 Vision Dr  
Columbus, OH 43219

Bank Of America  
xxxx-xxxx-xxxx-4610  
Attention: Recovery Department  
4161 Piedmont Pkwy.  
Greensboro, NC 27410

Cb Med Col  
xxxxxxxxxxxx0111  
304 E. Church Rd  
Killeen, TX 76541

Fed Loan Serv  
xxxious  
Po Box 69184  
Harrisburg, PA 17106



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**CERTIFICATE OF SERVICE**  
(Continuation Sheet #1)

Ford Motor Credit  
xxxx5390  
P.O. Box 152271  
Irving, TX 75015

Midland Funding  
xxxxxx1789  
8875 Aero Dr. Suite 200  
San Diego, CA 92123

Peter Ninete Lizama  
7008 Golden Oak Lane  
Killeen, TX 76542

Freedom Road Financial  
xxxxxxxxxx0372  
10605 Double R Blvd Ste  
Reno, NV 89521

Military Star/AAFES  
xxxxxxxxxxxx4722  
AAFES  
PO Box 650060  
Dallas, TX 75265

Portfolio Recovery Associates, LLC  
xxxx-xxxx-xxxx-7289  
PO Box 41067  
Norfolk, VA 23541

Ft. Hood National Bank  
PO BOX 5000  
Ft. Hood, TX 76544

Mrs Bpo Llc  
xxxxxxxxxxxx6385  
1930 Olney Avenue  
Cherry Hill, NJ 08003

Portfolio Recovery Associates, LLC  
xxxxxxxxxxxx6184  
PO Box 41067  
Norfolk, VA 23541

Hsbc Kawasaki  
xxxxxxxxxxxx6612  
Attention: Bankruptcy  
PO Box 5216  
Carol Stream, IL 60197

Nationstar Mortgage LLC  
xxxxx1923  
Attn: Bankruptcy  
350 Highland Dr  
Lewisville, TX 75067

Ray Hendren  
3410 Far West Blvd. #200  
Austin, TX 78731

Internal Revenue Service  
300 E 8th St.  
STOP 5026AUS  
Austin TX 78701-3233

Nationstar Mortgage LLC  
xxxxx1923  
Attn: Bankruptcy  
350 Highland Dr  
Lewisville, TX 75067

Sallie Mae  
xxxxxxxxxxxx9048  
Po Box 9655  
Wilkes Barre, PA 18773

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Onemain Fi  
xxxxxxxxxxxx6232  
6801 Colwell Blvd  
Irving, TX 75039

Scott & White  
PO Box 847500  
Dallas, TX 75284

**UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF SERVICE**

(Continuation Sheet #2)

Smile Dental  
7615 Tank Battalion Bldg 330  
Fort Hood, TX 76544

Txu Electric/TXU Energy  
xxxxxxxxxxxx4449  
Attention: Bankruptcy  
PO Box 650393  
Dallas, TX 75265

Webbbank/Fingerhut  
xxxxxxxxxxxx5778  
6250 Ridgewood Rd  
Saint Cloud, MN 56303

Snap-On Credit  
xxxxx9171  
950 Technology Way Suite 301  
Libertyville, IL 60048

University of Phoenix  
xxxxxx5717  
3157 E. Elwood St  
Phoenix, AZ 85034

Webbbank/Fingerhut  
xxxxxxxxxxxx0709  
6250 Ridgewood Rd  
Saint Cloud, MN 56303

The Band Room  
212 W. Veterans Memorial  
Harker Heights, TX 76548

Usaa Savings Bank  
xxxx2464  
Po Box 47504  
San Antonio, TX 78265

Wf Fin Bank  
xxxx-xxxx-xxxx-9940  
Attention: Bankruptcy  
PO Box 10438  
Des Moines, IA 50306

The Band Room  
212 W. Veterans Memorial  
Harker Heights, TX 76548

Usaa Savings Bank  
xxxx-xxxx-xxxx-1145  
Po Box 33009  
San Antonio, TX 78265

Toyota Motor Credit  
xxxxxxxxxxxx0001  
Toyota Financial Services  
PO Box 8026  
Cedar Rapids, IA 52408

Usaa Savings Bank  
xxxx-xxxx-xxxx-6524  
Po Box 33009  
San Antonio, TX 78265

Toyota Motor Credit  
xxxxxxxxxxxx0001  
Toyota Financial Services  
PO Box 8026  
Cedar Rapids, IA 52408

Van Ru Credit Corp  
PO BOX 1612  
Des Plaines, IL 60017